

VACATION DONATION POLICY

Effective June 1, 2012

The Laboratory realizes that if an employee, their immediate family member, or a person living in their household has a serious medical condition, the employee may need to take a significant amount of time away from the Laboratory.

Although employees may use their sick leave and/or vacation time to provide income during this period, sometimes, such sick leave and vacation balances may be exhausted which can result in limited or no income for the employee.

To assist employees who find themselves in this position, the Laboratory has created a vacation donation policy where, in the case of a serious medical situation, a regular full time or part time benefits eligible employee may donate accrued vacation to another regular full-time benefits eligible or part-time benefits eligible employee if certain criteria are met. For an employee to be eligible to receive donated vacation time, the employee must be employed by the Laboratory for 12 or more months prior to the request for Vacation Donation.

Process and Criteria for Vacation Donation

If an employee, their immediate family member (spouse, parent, or child), or a person living in their household has a serious medical condition and that employee may be exhausting his/her available paid time off, the employee may request, in writing, from his/her supervisor that a vacation donation account be set up.

The supervisor will review the employee's sick leave, vacation and vacation buy balances and determine if such balances will be insufficient to provide income to the employee during the time the employee needs to be away from work. Supervisors have the right to deny a request for vacation donation based on several factors, including but not limited to an employee's performance, absence history, disciplinary actions, etc.

Alternately, if a supervisor determines that an employee may be exhausting their available paid time off, the supervisor may initiate a discussion with the employee regarding establishment of a vacation donation account. If the employee approves, the supervisor needs to obtain such approval from the employee in writing.

To be eligible for a Vacation Donation Account to be established:

- The absence has to be prolonged and result in a substantial loss of income to the employee.
- The supervisor must complete a Vacation Donation Account Request form (available online at www.bnl.gov/HR/Benefits or you can obtain one from the Benefits Office) and remit it to the Benefits Office, Bldg. 400B.
- It is the supervisor's responsibility to advise the employee that the employee must provide a physician's statement to the Benefits Office, Bldg. 400B, documenting the medical condition and required period of absence by the employee (unless this information has already been provided through the FMLA process). If the person with the serious medical condition is someone other than the employee, such person's physician

must provide the person's name, the medical diagnosis (to substantiate the serious medical condition), the date the condition began and the expected length of the condition.

- An employee who is receiving N.Y. State Disability, Long Term Disability Plan benefits or Workers' Compensation cannot receive vacation donation at the same time, since alternate forms of income are available.
- The Benefits Office will review the request to determine whether the establishment of the Vacation Donation Account meets the established criteria. The Benefits Office will notify the supervisor of the approval or rejection of the request. It is the supervisor's responsibility to notify the employee of the approval or rejection in writing. If the request is approved by the Benefits Office, the supervisor will determine, through a discussion with the employee, the appropriate department(s)/division(s) to receive an announcement regarding the establishment of a Vacation Donation Account. A form for the manager to use for such announcement is available through the Benefits Office.
- A Vacation Donation Authorization form will be available for employees (Donors) to donate a portion of their accrued vacation to the employee (Recipient). The minimum number of hours of vacation time that can be donated is 4 hours. Employees may donate up to 50% of their accrued vacation balance as of the date of the donation. The maximum hours that can be donated will be prorated for part-time employees who are benefits eligible (example: 50% FTE = 250-hour maximum donation). Employees may make an initial donation and then may donate again to the same employee at a later date. Employees may not donate their Vacation Buy time. The completed Vacation Donation Authorization form must be sent to Payroll (Bldg. 400D). Vacation Donation from a Donor that is approved by Payroll will immediately be transferred to the recipient's Vacation Donation Account.

Additional Information

- No more than 500-hours of donated vacation can be received by the Recipient during a maximum 12-month rolling period for all incidents in that period.
- If the Account is set up for the employee due to his/her own serious medical condition, Vacation Donation usage will be limited to the period of time prior to when the person would first be eligible for benefits under BNL's Long Term Disability(LTD) Plan. Vacation donations are not allowed beyond the date an employee would become eligible for LTD benefits.
- The maximum period for use of Vacation Donation time cannot exceed the period of the medical emergency based on the medical documentation received.
- The Vacation Donation Account will be open to accept donations from employees at any time during the maximum 12-month rolling period from date of establishment of the account.
- Donated vacation time can be used either on a continuous or an intermittent basis.

- The Recipient can only use hours that are available in their Vacation Donation Account at the time of submission of the weekly or monthly time card. The code “VDN” is to be used by the Recipient to record the use of vacation donation time on his/her timecard. The Recipient must have exhausted all of his/her paid time off, based on BNL time recording policies, before using Vacation Donation time.
- Any unused Donation Vacation time at the end of the maximum 12-month rolling period is forfeited by both the Donor and the Recipient.
- The Recipient may not record Vacation Donation time on his/her timecard once the medical emergency ends.
- The Vacation Donation Account balance will not be affected by BNL’s vacation carryover cutoff date.
- Donated Vacation time cannot be paid at termination of employment. Any Donated Vacation balance remaining at termination of employment will be forfeited.
- Contributions will not be made to the BSA Retirement Plan and the BSA 401(k) Plan on Vacation Donation time for the Recipient or the Donor.
- Vacation donations are not considered charitable contributions for income tax purposes.
- The Vacation Donation program is available to members of the USW and SCSPA unions, but does not apply to members of the IBEW union.
- Vacation Donation does not apply towards maternity leave unless there is a medical emergency
- Recipient has choice to use donated vacation hours or to use their vacation or sick accruals that could occur during the 12-month rolling period

Forms and additional information is also available on SBMS at:

https://sbms.bnl.gov/sbmsearch/subjarea/54/54_pro3.cfm

If you have any questions regarding this policy, please contact the Benefits Office at x5126 or x2881.